

controversy does not exceed three thousand dollars or indictable misdemeanors, which were assigned to district associate judges and judicial magistrates as shown on their administrative reports, but shall include appeals from decisions of judicial magistrates, district associate judges, and district judges sitting as judicial magistrates. The figures on filings shall be the average for the latest available previous three-year period and when current census figures on population are not available, figures shall be taken from the state department of health computations.

Sec. 2. Section 602.6201, subsection 10, Code 1985, is amended to read as follows:

10. Notwithstanding the formula for determining the number of judgeships in this section, the number of district judges shall not exceed ~~ninety-nine~~ one hundred during the period commencing ~~July 1, 1983~~ and ending as the general assembly shall specify January 1, 1987.

Approved April 28, 1986

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**CHAPTER 1149**  
**HAZARDOUS WASTE FACILITY SITES**  
*S.F. 2177*

**AN ACT** requiring specific criteria for the acquisition, selection, or approval of a site for a hazardous waste treatment, disposal, or storage facility.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 455B.422, Code Supplement 1985, is amended to read as follows:  
455B.422 ACQUISITION AND LEASE OF SITES.

The commission shall adopt rules establishing criteria for the identification of land areas or sites which are suitable for the operation of a treatment, ~~or disposal, or storage~~ facility. Upon request, the department shall assist the executive council in locating suitable sites for the location of a treatment, ~~or disposal, or storage~~ facility. The commission may recommend to the executive council the purchase or condemnation of land to be leased for the operation of a treatment, ~~or disposal, or storage~~ facility. The executive council may purchase or may condemn the land subject to chapter 471. Consideration for a contract for purchase of land shall not be in excess of funds appropriated by the general assembly for that purpose. The executive council upon recommendation of the commission may lease land purchased under this section to any person including the state or a state agency. This section authorizes the state to own or operate a hazardous waste treatment, ~~or disposal facility, or storage facilities~~ for the treatment, ~~and disposal, and storage~~ of hazardous wastes. The terms of the lease shall establish responsibility for long-term monitoring and maintenance of the site. The lessee is subject to all applicable requirements of this part including permit requirements. The commission ~~may~~ shall require the lessee to post bond conditioned upon performance of conditions of the lease relating to long-term monitoring and maintenance. The leasehold interest including improvements made to the property shall be listed, assessed, and valued as any other real property as provided by law. A facility acquired or operated pursuant to this section is subject to the licensing requirements of section 455B.443.

Sec. 2. Section 455B.448, subsection 1, Code 1985, is amended by adding the following new lettered paragraphs j and k and relettering the remaining lettered paragraph:

**NEW LETTERED PARAGRAPH. j.** The availability of alternative sites and methods of treatment, disposal, or storage, including cost comparisons. The cost comparisons shall cover short and long-term costs including, but not limited to, liability insurance, postclosure

maintenance, monitoring of ground and surface waters, monitoring of air before and after closure, and the potential loss of land or water resources due to contamination.

**NEW LETTERED PARAGRAPH. k.** To the maximum extent feasible a site should be located away from all of the following areas:

(1) Areas subject to natural hazards including, but not limited to, flooding, earthquakes, or subsidence.

(2) Sources of drinking water supply including, but not limited to, reservoirs, lakes and rivers and their watersheds, and aquifers and their recharge areas.

(3) Fragile land areas including, but not limited to, wetlands and the shorelines of rivers, lakes, and streams.

(4) Areas with rare or valuable ecosystems or geologic formations or significant wildlife habitat.

(5) Unique scenic or historic areas.

(6) Residential areas, parks, or schools.

(7) Prime farmland as defined by the United States department of agriculture in 7 C.F.R. § 657.5(a).

Approved April 28, 1986

## CHAPTER 1150

### TEMPORARY RESIDENTIAL CARE FACILITY EXEMPTION

*S.F. 2207*

**AN ACT** excluding residential care facilities from certificate-of-need reviews for two fiscal years.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 135.63, subsection 2, Code 1985, is amended by adding the following new lettered paragraph:

**NEW LETTERED PARAGRAPH. f.** A residential care facility, as defined in section 135C.1, including a residential care facility for the mentally retarded, notwithstanding any provision in this division to the contrary.

Sec. 2. The state department of health shall monitor the effects of this Act's exclusion of residential care facilities from the requirements of section 135.63 in terms of availability, cost, and quality of residential care. The department shall report its findings and recommendations regarding continued exclusion to the governor and the general assembly by January 11, 1988.

Sec. 3. Section 1 of this Act is repealed July 1, 1988.

Approved April 28, 1986